

# As Reported by the House Criminal Justice Committee

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Sub. S. B. No. 184

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Prentiss, Wachtmann

**REPRESENTATIVES** Womer Benjamin, Seitz, Latta, Hughes, Faber,  
Willamowski, Sulzer, Brown, Seaver

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## A B I L L

To amend sections 121.22, 2901.01, 2903.01, 2921.32,	1
2923.31, 2927.24, 2929.04, 2933.51, 2941.14,	2
3313.536, 4507.09, 5502.26, 5502.27, and 5502.271	3
and to enact sections 149.433, 2152.201, 2909.21,	4
2909.22, 2909.23, 2909.24, and 2909.25 of the	5
Revised Code to create the offenses of terrorism,	6
soliciting or providing support for an act of	7
terrorism, and making a terroristic threat; to	8
expand certain offenses and laws relative to those	9
offenses; to increase the penalty for obstructing	10
justice involving terrorism; to expand and rename	11
contaminating a substance for human consumption to	12
include contamination with any hazardous chemical,	13
biological, or radioactive substance; to exempt	14
certain security-related information from the	15
Public Records Law; to revise the Open Meetings Law	16
provision regarding executive sessions to consider	17
security matters; to revise the Emergency	18
Management Law regarding all-hazards emergency	19

operations plans; and to declare an emergency. 20

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 121.22, 2901.01, 2903.01, 2921.32, 21  
2923.31, 2927.24, 2929.04, 2933.51, 2941.14, 3313.536, 4507.09, 22  
5502.26, 5502.27, and 5502.271 be amended and sections 149.433, 23  
2152.201, 2909.21, 2909.22, 2909.23, 2909.24, and 2909.25 of the 24  
Revised Code be enacted to read as follows: 25

**Sec. 121.22.** (A) This section shall be liberally construed to 26  
require public officials to take official action and to conduct 27  
all deliberations upon official business only in open meetings 28  
unless the subject matter is specifically excepted by law. 29

(B) As used in this section: 30

(1) "Public body" means any of the following: 31

(a) Any board, commission, committee, council, or similar 32  
decision-making body of a state agency, institution, or authority, 33  
and any legislative authority or board, commission, committee, 34  
council, agency, authority, or similar decision-making body of any 35  
county, township, municipal corporation, school district, or other 36  
political subdivision or local public institution; 37

(b) Any committee or subcommittee of a body described in 38  
division (B)(1)(a) of this section; 39

(c) A court of jurisdiction of a sanitary district organized 40  
wholly for the purpose of providing a water supply for domestic, 41  
municipal, and public use when meeting for the purpose of the 42  
appointment, removal, or reappointment of a member of the board of 43  
directors of such a district pursuant to section 6115.10 of the 44  
Revised Code, if applicable, or for any other matter related to 45  
such a district other than litigation involving the district. As 46

used in division (B)(1)(c) of this section, "court of  
jurisdiction" has the same meaning as "court" in section 6115.01  
of the Revised Code.

(2) "Meeting" means any prearranged discussion of the public  
business of the public body by a majority of its members.

(3) "Regulated individual" means either of the following:

(a) A student in a state or local public educational  
institution;

(b) A person who is, voluntarily or involuntarily, an inmate,  
patient, or resident of a state or local institution because of  
criminal behavior, mental illness or retardation, disease,  
disability, age, or other condition requiring custodial care.

(4) "Public office" has the same meaning as in section  
149.011 of the Revised Code.

(C) All meetings of any public body are declared to be public  
meetings open to the public at all times. A member of a public  
body shall be present in person at a meeting open to the public to  
be considered present or to vote at the meeting and for purposes  
of determining whether a quorum is present at the meeting.

The minutes of a regular or special meeting of any public  
body shall be promptly prepared, filed, and maintained and shall  
be open to public inspection. The minutes need only reflect the  
general subject matter of discussions in executive sessions  
authorized under division (G) or (J) of this section.

(D) This section does not apply to any of the following:

(1) A grand jury;

(2) An audit conference conducted by the auditor of state or  
independent certified public accountants with officials of the

public office that is the subject of the audit;	77
(3) The adult parole authority when its hearings are	78
conducted at a correctional institution for the sole purpose of	79
interviewing inmates to determine parole or pardon;	80
(4) The organized crime investigations commission established	81
under section 177.01 of the Revised Code;	82
(5) Meetings of a child fatality review board established	83
under section 307.621 of the Revised Code and meetings conducted	84
pursuant to sections 5153.171 to 5153.173 of the Revised Code;	85
(6) The state medical board when determining whether to	86
suspend a certificate without a prior hearing pursuant to division	87
(G) of either section 4730.25 or 4731.22 of the Revised Code;	88
(7) The board of nursing when determining whether to suspend	89
a license or certificate without a prior hearing pursuant to	90
division (B) of section 4723.281 of the Revised Code;	91
(8) The state board of pharmacy when determining whether to	92
suspend a license without a prior hearing pursuant to division (D)	93
of section 4729.16 of the Revised Code;	94
(9) The state chiropractic board when determining whether to	95
suspend a license without a hearing pursuant to section 4734.37 of	96
the Revised Code.	97
(10) The executive committee of the emergency response	98
commission when determining whether to issue an enforcement order	99
or request that a civil action, civil penalty action, or criminal	100
action be brought to enforce Chapter 3750. of the Revised Code.	101
(E) The controlling board, the development financing advisory	102
council, the industrial technology and enterprise advisory	103
council, the tax credit authority, or the minority development	104
financing advisory board, when meeting to consider granting	105
assistance pursuant to Chapter 122. or 166. of the Revised Code,	106

in order to protect the interest of the applicant or the possible  
investment of public funds, by unanimous vote of all board,  
council, or authority members present, may close the meeting  
during consideration of the following information confidentially  
received by the authority, council, or board from the applicant:

(1) Marketing plans;

(2) Specific business strategy;

(3) Production techniques and trade secrets;

(4) Financial projections;

(5) Personal financial statements of the applicant or members  
of the applicant's immediate family, including, but not limited  
to, tax records or other similar information not open to public  
inspection.

The vote by the authority, council, or board to accept or  
reject the application, as well as all proceedings of the  
authority, council, or board not subject to this division, shall  
be open to the public and governed by this section.

(F) Every public body, by rule, shall establish a reasonable  
method whereby any person may determine the time and place of all  
regularly scheduled meetings and the time, place, and purpose of  
all special meetings. A public body shall not hold a special  
meeting unless it gives at least twenty-four hours' advance notice  
to the news media that have requested notification, except in the  
event of an emergency requiring immediate official action. In the  
event of an emergency, the member or members calling the meeting  
shall notify the news media that have requested notification  
immediately of the time, place, and purpose of the meeting.

The rule shall provide that any person, upon request and  
payment of a reasonable fee, may obtain reasonable advance  
notification of all meetings at which any specific type of public

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business is to be discussed. Provisions for advance notification  
may include, but are not limited to, mailing the agenda of  
meetings to all subscribers on a mailing list or mailing notices  
in self-addressed, stamped envelopes provided by the person.

(G) Except as provided in division (J) of this section, the  
members of a public body may hold an executive session only after  
a majority of a quorum of the public body determines, by a roll  
call vote, to hold an executive session and only at a regular or  
special meeting for the sole purpose of the consideration of any  
of the following matters:

(1) To consider the appointment, employment, dismissal,  
discipline, promotion, demotion, or compensation of a public  
employee or official, or the investigation of charges or  
complaints against a public employee, official, licensee, or  
regulated individual, unless the public employee, official,  
licensee, or regulated individual requests a public hearing.  
Except as otherwise provided by law, no public body shall hold an  
executive session for the discipline of an elected official for  
conduct related to the performance of the elected official's  
official duties or for the elected official's removal from office.  
If a public body holds an executive session pursuant to division  
(G)(1) of this section, the motion and vote to hold that executive  
session shall state which one or more of the approved purposes  
listed in division (G)(1) of this section are the purposes for  
which the executive session is to be held, but need not include  
the name of any person to be considered at the meeting.

(2) To consider the purchase of property for public purposes,  
or for the sale of property at competitive bidding, if premature  
disclosure of information would give an unfair competitive or  
bargaining advantage to a person whose personal, private interest  
is adverse to the general public interest. No member of a public  
body shall use division (G)(2) of this section as a subterfuge for

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providing covert information to prospective buyers or sellers. A  
purchase or sale of public property is void if the seller or buyer  
of the public property has received covert information from a  
member of a public body that has not been disclosed to the general  
public in sufficient time for other prospective buyers and sellers  
to prepare and submit offers.

If the minutes of the public body show that all meetings and  
deliberations of the public body have been conducted in compliance  
with this section, any instrument executed by the public body  
purporting to convey, lease, or otherwise dispose of any right,  
title, or interest in any public property shall be conclusively  
presumed to have been executed in compliance with this section  
insofar as title or other interest of any bona fide purchasers,  
lessees, or transferees of the property is concerned.

(3) Conferences with an attorney for the public body  
concerning disputes involving the public body that are the subject  
of pending or imminent court action;

(4) Preparing for, conducting, or reviewing negotiations or  
bargaining sessions with public employees concerning their  
compensation or other terms and conditions of their employment;

(5) Matters required to be kept confidential by federal law  
or regulations or state statutes;

(6) ~~Specialized details of~~ Details relative to the security  
arrangements and emergency response protocols for a public body or  
a public office, if disclosure of the matters discussed might  
~~reveal information that~~ could reasonably be ~~used for the purpose~~  
~~of committing, or avoiding prosecution for, a violation of the law~~  
expected to jeopardize the security of the public body or public  
office;

(7) In the case of a county hospital operated pursuant to  
Chapter 339. of the Revised Code, to consider trade secrets, as

defined in section 1333.61 of the Revised Code.

If a public body holds an executive session to consider any of the matters listed in divisions (G)(2) to (7) of this section, the motion and vote to hold that executive session shall state which one or more of the approved matters listed in those divisions are to be considered at the executive session.

A public body specified in division (B)(1)(c) of this section shall not hold an executive session when meeting for the purposes specified in that division.

(H) A resolution, rule, or formal action of any kind is invalid unless adopted in an open meeting of the public body. A resolution, rule, or formal action adopted in an open meeting that results from deliberations in a meeting not open to the public is invalid unless the deliberations were for a purpose specifically authorized in division (G) or (J) of this section and conducted at an executive session held in compliance with this section. A resolution, rule, or formal action adopted in an open meeting is invalid if the public body that adopted the resolution, rule, or formal action violated division (F) of this section.

(I)(1) Any person may bring an action to enforce this section. An action under division (I)(1) of this section shall be brought within two years after the date of the alleged violation or threatened violation. Upon proof of a violation or threatened violation of this section in an action brought by any person, the court of common pleas shall issue an injunction to compel the members of the public body to comply with its provisions.

(2)(a) If the court of common pleas issues an injunction pursuant to division (I)(1) of this section, the court shall order the public body that it enjoins to pay a civil forfeiture of five hundred dollars to the party that sought the injunction and shall award to that party all court costs and, subject to reduction as



described in division (I)(2) of this section, reasonable  
attorney's fees. The court, in its discretion, may reduce an award  
of attorney's fees to the party that sought the injunction or not  
award attorney's fees to that party if the court determines both  
of the following:

(i) That, based on the ordinary application of statutory law  
and case law as it existed at the time of violation or threatened  
violation that was the basis of the injunction, a well-informed  
public body reasonably would believe that the public body was not  
violating or threatening to violate this section;

(ii) That a well-informed public body reasonably would  
believe that the conduct or threatened conduct that was the basis  
of the injunction would serve the public policy that underlies the  
authority that is asserted as permitting that conduct or  
threatened conduct.

(b) If the court of common pleas does not issue an injunction  
pursuant to division (I)(1) of this section and the court  
determines at that time that the bringing of the action was  
frivolous conduct, as defined in division (A) of section 2323.51  
of the Revised Code, the court shall award to the public body all  
court costs and reasonable attorney's fees, as determined by the  
court.

(3) Irreparable harm and prejudice to the party that sought  
the injunction shall be conclusively and irrebuttably presumed  
upon proof of a violation or threatened violation of this section.

(4) A member of a public body who knowingly violates an  
injunction issued pursuant to division (I)(1) of this section may  
be removed from office by an action brought in the court of common  
pleas for that purpose by the prosecuting attorney or the attorney  
general.

(J)(1) Pursuant to division (C) of section 5901.09 of the

Revised Code, a veterans service commission shall hold an  
executive session for one or more of the following purposes unless  
an applicant requests a public hearing:

(a) Interviewing an applicant for financial assistance under  
sections 5901.01 to 5901.15 of the Revised Code;

(b) Discussing applications, statements, and other documents  
described in division (B) of section 5901.09 of the Revised Code;

(c) Reviewing matters relating to an applicant's request for  
financial assistance under sections 5901.01 to 5901.15 of the  
Revised Code.

(2) A veterans service commission shall not exclude an  
applicant for, recipient of, or former recipient of financial  
assistance under sections 5901.01 to 5901.15 of the Revised Code,  
and shall not exclude representatives selected by the applicant,  
recipient, or former recipient, from a meeting that the commission  
conducts as an executive session that pertains to the applicant's,  
recipient's, or former recipient's application for financial  
assistance.

(3) A veterans service commission shall vote on the grant or  
denial of financial assistance under sections 5901.01 to 5901.15  
of the Revised Code only in an open meeting of the commission. The  
minutes of the meeting shall indicate the name, address, and  
occupation of the applicant, whether the assistance was granted or  
denied, the amount of the assistance if assistance is granted, and  
the votes for and against the granting of assistance.

**Sec. 149.433. (A) As used in this section:**

(1) "Act of terrorism" has the same meaning as in section  
2909.21 of the Revised Code.

(2) "Infrastructure record" means any record that discloses  
the configuration of a public office's critical systems including,

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but not limited to, communication, computer, electrical,  
mechanical, ventilation, water, and plumbing systems, security  
codes, or the infrastructure or structural configuration of the  
building in which a public office is located. "Infrastructure  
record" does not mean a simple floor plan that discloses only the  
spatial relationship of components of a public office or the  
building in which a public office is located.

(3) "Security record" means either of the following:

(a) Any record that contains information directly used for  
protecting or maintaining the security of a public office against  
attack, interference, or sabotage;

(b) Any record assembled, prepared, or maintained by a public  
office or public body to prevent, mitigate, or respond to acts of  
terrorism, including any of the following:

(i) Those portions of records containing specific and unique  
vulnerability assessments or specific and unique response plans  
either of which is intended to prevent or mitigate acts of  
terrorism, and communication codes or deployment plans of law  
enforcement or emergency response personnel;

(ii) Specific intelligence information and specific  
investigative records shared by federal and international law  
enforcement agencies with state and local law enforcement and  
public safety agencies;

(iii) National security records classified under federal  
executive order and not subject to public disclosure under federal  
law that are shared by federal agencies, and other records related  
to national security briefings to assist state and local  
government with domestic preparedness for acts of terrorism.

(B) A record kept by a public office that is a security  
record or an infrastructure record is not a public record under  
section 149.43 of the Revised Code and is not subject to mandatory

release or disclosure under that section.

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(C) Notwithstanding any other section of the Revised Code, a  
public office's or a public employee's disclosure of a security  
record or infrastructure record that is necessary for  
construction, renovation, or remodeling work on any public  
building or project does not constitute public disclosure for  
purposes of waiving division (B) of this section and does not  
result in that record becoming a public record for purposes of  
section 149.43 of the Revised Code.

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**Sec. 2152.201.** (A) In addition to any other dispositions  
authorized or required by this chapter, the juvenile court making  
disposition of a child adjudicated a delinquent child for  
committing a violation of section 2909.22, 2909.23, or 2909.24 of  
the Revised Code or a violation of section 2921.32 of the Revised  
Code when the offense or act committed by the person aided or to  
be aided as described in that section is an act of terrorism may  
order the child to pay to the state, municipal, or county law  
enforcement agencies that handled the investigation and  
prosecution all of the costs that the state, municipal  
corporation, or county reasonably incurred in the investigation  
and prosecution of the violation. The court shall hold a hearing  
to determine the amount of costs to be imposed under this section.  
The court may hold the hearing as part of the dispositional  
hearing for the child.

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(B) If a child is adjudicated a delinquent child for  
committing a violation of section 2909.23 or 2909.24 of the  
Revised Code and if any political subdivision incurred any  
response costs as a result of, or in making any response to, the  
threat of the specified offense involved in the violation of  
section 2909.23 of the Revised Code or the actual specified  
offense involved in the violation of section 2909.24 of the

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Revised Code, in addition to any other dispositions authorized or  
required by this chapter, the juvenile court making disposition of  
the child for the violation may order the child to reimburse the  
involved political subdivision for the response costs it so  
incurred.

(C) As used in this section, "response costs" and "act of  
terrorism" have the same meanings as in section 2909.21 of the  
Revised Code.

**Sec. 2901.01.** (A) As used in the Revised Code:

(1) "Force" means any violence, compulsion, or constraint  
physically exerted by any means upon or against a person or thing.

(2) "Deadly force" means any force that carries a substantial  
risk that it will proximately result in the death of any person.

(3) "Physical harm to persons" means any injury, illness, or  
other physiological impairment, regardless of its gravity or  
duration.

(4) "Physical harm to property" means any tangible or  
intangible damage to property that, in any degree, results in loss  
to its value or interferes with its use or enjoyment. "Physical  
harm to property" does not include wear and tear occasioned by  
normal use.

(5) "Serious physical harm to persons" means any of the  
following:

(a) Any mental illness or condition of such gravity as would  
normally require hospitalization or prolonged psychiatric  
treatment;

(b) Any physical harm that carries a substantial risk of  
death;

(c) Any physical harm that involves some permanent 384  
incapacity, whether partial or total, or that involves some 385  
temporary, substantial incapacity; 386

(d) Any physical harm that involves some permanent 387  
disfigurement or that involves some temporary, serious 388  
disfigurement; 389

(e) Any physical harm that involves acute pain of such 390  
duration as to result in substantial suffering or that involves 391  
any degree of prolonged or intractable pain. 392

(6) "Serious physical harm to property" means any physical 393  
harm to property that does either of the following: 394

(a) Results in substantial loss to the value of the property 395  
or requires a substantial amount of time, effort, or money to 396  
repair or replace; 397

(b) Temporarily prevents the use or enjoyment of the property 398  
or substantially interferes with its use or enjoyment for an 399  
extended period of time. 400

(7) "Risk" means a significant possibility, as contrasted 401  
with a remote possibility, that a certain result may occur or that 402  
certain circumstances may exist. 403

(8) "Substantial risk" means a strong possibility, as 404  
contrasted with a remote or significant possibility, that a 405  
certain result may occur or that certain circumstances may exist. 406

(9) "Offense of violence" means any of the following: 407

(a) A violation of section 2903.01, 2903.02, 2903.03, 408  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 409  
2903.22, 2905.01, 2905.02, 2905.11, 2907.02, 2907.03, 2907.05, 410  
2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2917.01, 411  
2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, or 412  
2923.161, of division (A)(1), (2), or (3) of section 2911.12, or 413

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of division (B)(1), (2), (3), or (4) of section 2919.22 of the  
Revised Code or felonious sexual penetration in violation of  
former section 2907.12 of the Revised Code;

(b) A violation of an existing or former municipal ordinance  
or law of this or any other state or the United States,  
substantially equivalent to any section, division, or offense  
listed in division (A)(9)(a) of this section;

(c) An offense, other than a traffic offense, under an  
existing or former municipal ordinance or law of this or any other  
state or the United States, committed purposely or knowingly, and  
involving physical harm to persons or a risk of serious physical  
harm to persons;

(d) A conspiracy or attempt to commit, or complicity in  
committing, any offense under division (A)(9)(a), (b), or (c) of  
this section.

(10)(a) "Property" means any property, real or personal,  
tangible or intangible, and any interest or license in that  
property. "Property" includes, but is not limited to, cable  
television service, other telecommunications service,  
telecommunications devices, information service, computers, data,  
computer software, financial instruments associated with  
computers, other documents associated with computers, or copies of  
the documents, whether in machine or human readable form, trade  
secrets, trademarks, copyrights, patents, and property protected  
by a trademark, copyright, or patent. "Financial instruments  
associated with computers" include, but are not limited to,  
checks, drafts, warrants, money orders, notes of indebtedness,  
certificates of deposit, letters of credit, bills of credit or  
debit cards, financial transaction authorization mechanisms,  
marketable securities, or any computer system representations of  
any of them.

(b) As used in division (A)(10) of this section, "trade

secret" has the same meaning as in section 1333.61 of the Revised Code, and "telecommunications service" and "information service" have the same meanings as in section 2913.01 of the Revised Code.

(c) As used in divisions (A)(10) and (13) of this section, "cable television service," "computer," "computer software," "computer system," "computer network," "data," and "telecommunications device" have the same meanings as in section 2913.01 of the Revised Code.

(11) "Law enforcement officer" means any of the following:

(a) A sheriff, deputy sheriff, constable, police officer of a township or joint township police district, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, or state highway patrol trooper;

(b) An officer, agent, or employee of the state or any of its agencies, instrumentalities, or political subdivisions, upon whom, by statute, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of that statutory duty and authority;

(c) A mayor, in the mayor's capacity as chief conservator of the peace within the mayor's municipal corporation;

(d) A member of an auxiliary police force organized by county, township, or municipal law enforcement authorities, within the scope of the member's appointment or commission;

(e) A person lawfully called pursuant to section 311.07 of the Revised Code to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;

(f) A person appointed by a mayor pursuant to section 737.01



of the Revised Code as a special patrolling officer during riot or 476  
emergency, for the purposes and during the time when the person is 477  
appointed; 478

(g) A member of the organized militia of this state or the 479  
armed forces of the United States, lawfully called to duty to aid 480  
civil authorities in keeping the peace or protect against domestic 481  
violence; 482

(h) A prosecuting attorney, assistant prosecuting attorney, 483  
secret service officer, or municipal prosecutor; 484

(i) An Ohio veterans' home police officer appointed under 485  
section 5907.02 of the Revised Code; 486

(j) A member of a police force employed by a regional transit 487  
authority under division (Y) of section 306.35 of the Revised 488  
Code; 489

(k) A special police officer employed by a port authority 490  
under section 4582.04 or 4582.28 of the Revised Code; 491

(l) The house sergeant at arms if the house sergeant at arms 492  
has arrest authority pursuant to division (E)(1) of section 493  
101.311 of the Revised Code and an assistant house sergeant at 494  
arms. 495

(12) "Privilege" means an immunity, license, or right 496  
conferred by law, bestowed by express or implied grant, arising 497  
out of status, position, office, or relationship, or growing out 498  
of necessity. 499

(13) "Contraband" means any property described in the 500  
following categories: 501

(a) Property that in and of itself is unlawful for a person 502  
to acquire or possess; 503

(b) Property that is not in and of itself unlawful for a 504  
person to acquire or possess, but that has been determined by a 505

court of this state, in accordance with law, to be contraband 506  
because of its use in an unlawful activity or manner, of its 507  
nature, or of the circumstances of the person who acquires or 508  
possesses it, including, but not limited to, goods and personal 509  
property described in division (D) of section 2913.34 of the 510  
Revised Code; 511

(c) Property that is specifically stated to be contraband by 512  
a section of the Revised Code or by an ordinance, regulation, or 513  
resolution; 514

(d) Property that is forfeitable pursuant to a section of the 515  
Revised Code, or an ordinance, regulation, or resolution, 516  
including, but not limited to, forfeitable firearms, dangerous 517  
ordnance, obscene materials, and goods and personal property 518  
described in division (D) of section 2913.34 of the Revised Code; 519

(e) Any controlled substance, as defined in section 3719.01 520  
of the Revised Code, or any device, paraphernalia, money as 521  
defined in section 1301.01 of the Revised Code, or other means of 522  
exchange that has been, is being, or is intended to be used in an 523  
attempt or conspiracy to violate, or in a violation of, Chapter 524  
2925. or 3719. of the Revised Code; 525

(f) Any gambling device, paraphernalia, money as defined in 526  
section 1301.01 of the Revised Code, or other means of exchange 527  
that has been, is being, or is intended to be used in an attempt 528  
or conspiracy to violate, or in the violation of, Chapter 2915. of 529  
the Revised Code; 530

(g) Any equipment, machine, device, apparatus, vehicle, 531  
vessel, container, liquid, or substance that has been, is being, 532  
or is intended to be used in an attempt or conspiracy to violate, 533  
or in the violation of, any law of this state relating to alcohol 534  
or tobacco; 535

(h) Any personal property that has been, is being, or is 536

intended to be used in an attempt or conspiracy to commit, or in  
the commission of, any offense or in the transportation of the  
fruits of any offense;

(i) Any property that is acquired through the sale or other  
transfer of contraband or through the proceeds of contraband,  
other than by a court or a law enforcement agency acting within  
the scope of its duties;

(j) Any computer, computer system, computer network, computer  
software, or other telecommunications device that is used in a  
conspiracy to commit, an attempt to commit, or the commission of  
any offense, if the owner of the computer, computer system,  
computer network, computer software, or other telecommunications  
device is convicted of or pleads guilty to the offense in which it  
is used;

(k) Any property that is material support or resources and  
that has been, is being, or is intended to be used in an attempt  
or conspiracy to violate, or in the violation of, section 2909.22,  
2909.23, or 2909.24 of the Revised Code or of section 2921.32 of  
the Revised Code when the offense or act committed by the person  
aided or to be aided as described in that section is an act of  
terrorism. As used in division (A)(13)(k) of this section,  
"material support or resources" and "act of terrorism" have the  
same meanings as in section 2909.21 of the Revised Code.

(14) A person is "not guilty by reason of insanity" relative  
to a charge of an offense only if the person proves, in the manner  
specified in section 2901.05 of the Revised Code, that at the time  
of the commission of the offense, the person did not know, as a  
result of a severe mental disease or defect, the wrongfulness of  
the person's acts.

(B)(1)(a) Subject to division (B)(2) of this section, as used  
in any section contained in Title XXIX of the Revised Code that

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sets forth a criminal offense, "person" includes all of the  
following:

(i) An individual, corporation, business trust, estate,  
trust, partnership, and association;

(ii) An unborn human who is viable.

(b) As used in any section contained in Title XXIX of the  
Revised Code that does not set forth a criminal offense, "person"  
includes an individual, corporation, business trust, estate,  
trust, partnership, and association.

(c) As used in division (B)(1)(a) of this section:

(i) "Unborn human" means an individual organism of the  
species *Homo sapiens* from fertilization until live birth.

(ii) "Viable" means the stage of development of a human fetus  
at which there is a realistic possibility of maintaining and  
nourishing of a life outside the womb with or without temporary  
artificial life-sustaining support.

(2) Notwithstanding division (B)(1)(a) of this section, in no  
case shall the portion of the definition of the term "person" that  
is set forth in division (B)(1)(a)(ii) of this section be applied  
or construed in any section contained in Title XXIX of the Revised  
Code that sets forth a criminal offense in any of the following  
manners:

(a) Except as otherwise provided in division (B)(2)(a) of  
this section, in a manner so that the offense prohibits or is  
construed as prohibiting any pregnant woman or her physician from  
performing an abortion with the consent of the pregnant woman,  
with the consent of the pregnant woman implied by law in a medical  
emergency, or with the approval of one otherwise authorized by law  
to consent to medical treatment on behalf of the pregnant woman.  
An abortion that violates the conditions described in the

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immediately preceding sentence may be punished as a violation of  
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06,  
2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22  
of the Revised Code, as applicable. An abortion that does not  
violate the conditions described in the second immediately  
preceding sentence, but that does violate section 2919.12,  
division (B) of section 2919.13, or section 2919.151, 2919.17, or  
2919.18 of the Revised Code, may be punished as a violation of  
section 2919.12, division (B) of section 2919.13, or section  
2919.151, 2919.17, or 2919.18 of the Revised Code, as applicable.  
Consent is sufficient under this division if it is of the type  
otherwise adequate to permit medical treatment to the pregnant  
woman, even if it does not comply with section 2919.12 of the  
Revised Code.

(b) In a manner so that the offense is applied or is  
construed as applying to a woman based on an act or omission of  
the woman that occurs while she is or was pregnant and that  
results in any of the following:

(i) Her delivery of a stillborn baby;

(ii) Her causing, in any other manner, the death in utero of  
a viable, unborn human that she is carrying;

(iii) Her causing the death of her child who is born alive  
but who dies from one or more injuries that are sustained while  
the child is a viable, unborn human;

(iv) Her causing her child who is born alive to sustain one  
or more injuries while the child is a viable, unborn human;

(v) Her causing, threatening to cause, or attempting to  
cause, in any other manner, an injury, illness, or other  
physiological impairment, regardless of its duration or gravity,  
or a mental illness or condition, regardless of its duration or  
gravity, to a viable, unborn human that she is carrying.

(C) As used in Title XXIX of the Revised Code: 629

(1) "School safety zone" consists of a school, school 630  
building, school premises, school activity, and school bus. 631

(2) "School," "school building," and "school premises" have 632  
the same meanings as in section 2925.01 of the Revised Code. 633

(3) "School activity" means any activity held under the 634  
auspices of a board of education of a city, local, exempted 635  
village, joint vocational, or cooperative education school 636  
district, a governing board of an educational service center, or 637  
the governing body of a school for which the state board of 638  
education prescribes minimum standards under section 3301.07 of 639  
the Revised Code. 640

(4) "School bus" has the same meaning as in section 4511.01 641  
of the Revised Code. 642

**Sec. 2903.01.** (A) No person shall purposely, and with prior 643  
calculation and design, cause the death of another or the unlawful 644  
termination of another's pregnancy. 645

(B) No person shall purposely cause the death of another or 646  
the unlawful termination of another's pregnancy while committing 647  
or attempting to commit, or while fleeing immediately after 648  
committing or attempting to commit, kidnapping, rape, aggravated 649  
arson ~~or~~, arson, aggravated robbery ~~or~~, robbery, aggravated 650  
burglary ~~or~~, burglary, terrorism, or escape. 651

(C) No person shall purposely cause the death of another who 652  
is under thirteen years of age at the time of the commission of 653  
the offense. 654

(D) No person who is under detention as a result of having 655  
been found guilty of or having pleaded guilty to a felony or who 656  
breaks that detention shall purposely cause the death of another. 657

(E) No person shall purposely cause the death of a law enforcement officer whom the offender knows or has reasonable cause to know is a law enforcement officer when either of the following applies:

(1) The victim, at the time of the commission of the offense, is engaged in the victim's duties.

(2) It is the offender's specific purpose to kill a law enforcement officer.

(F) Whoever violates this section is guilty of aggravated murder, and shall be punished as provided in section 2929.02 of the Revised Code.

(G) As used in this section:

(1) "Detention" has the same meaning as in section 2921.01 of the Revised Code.

(2) "Law enforcement officer" has the same meaning as in section 2911.01 of the Revised Code.

**Sec. 2909.21.** As used in sections 2909.21 to 2909.25 of the Revised Code:

(A) "Act of terrorism" means an act that is committed within or outside the territorial jurisdiction of this state or the United States, that constitutes a specified offense if committed in this state or constitutes an offense in any jurisdiction within or outside the territorial jurisdiction of the United States containing all of the essential elements of a specified offense, and that is intended to do one or more of the following:

(1) Intimidate or coerce a civilian population;

(2) Influence the policy of any government by intimidation or coercion;

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(3) Affect the conduct of any government by the act that 687  
constitutes the offense. 688

(B) "Material support or resources" means currency, payment 689  
instruments, other financial securities, financial services, 690  
lodging, training, safehouses, false documentation or 691  
identification, communications equipment, facilities, weapons, 692  
lethal substances, explosives, personnel, transportation, and 693  
other physical assets, except medicine or religious materials. 694

(C) "Payment instrument" means a check, draft, money order, 695  
traveler's check, cashier's check, teller's check, or other 696  
instrument or order for the transmission or payment of money, 697  
regardless of whether the item in question is negotiable. 698

(D) "Response costs" means all costs a political subdivision 699  
incurs as a result of, or in making any response to, a threat of a 700  
specified offense made as described in section 2909.23 of the 701  
Revised Code or a specified offense committed as described in 702  
section 2909.24 of the Revised Code, including, but not limited 703  
to, all costs so incurred by any law enforcement officers, 704  
firefighters, rescue personnel, or emergency medical services 705  
personnel of the political subdivision and all costs so incurred 706  
by the political subdivision that relate to laboratory testing or 707  
hazardous material cleanup. 708

(E) "Specified offense" means any of the following: 709

(1) A felony offense of violence, a violation of section 710  
2909.04 or 2927.24 of the Revised Code, or a felony of the first 711  
degree that is not a violation of any provision in Chapter 2925. 712  
or 3719. of the Revised Code; 713

(2) An attempt to commit, complicity in committing, or a 714  
conspiracy to commit an offense listed in division (E)(1) of this 715  
section. 716



Sec. 2909.22. (A) No person shall raise, solicit, collect, donate, or provide any material support or resources, with purpose that the material support or resources will be used in whole or in part to plan, prepare, carry out, or aid in either an act of terrorism or the concealment of, or an escape from, an act of terrorism.

(B) Whoever violates this section is guilty of soliciting or providing support for an act of terrorism, a felony of the third degree. Section 2909.25 of the Revised Code applies regarding an offender who is convicted of or pleads guilty to a violation of this section.

(C) A prosecution for a violation of this section does not preclude a prosecution for a violation of any other section of the Revised Code. One or more acts, a series of acts, or a course of behavior that can be prosecuted under this section or any other section of the Revised Code may be prosecuted under this section, the other section, or both sections.

Sec. 2909.23. (A) No person shall threaten to commit or threaten to cause to be committed a specified offense when both of the following apply:

(1) The person makes the threat with purpose to do any of the following:

(a) Intimidate or coerce a civilian population;

(b) Influence the policy of any government by intimidation or coercion;

(c) Affect the conduct of any government by the threat or by the specified offense.

(2) As a result of the threat, the person causes a reasonable expectation or fear of the imminent commission of the specified

offense.

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(B) It is not a defense to a charge of a violation of this  
section that the defendant did not have the intent or capability  
to commit the threatened specified offense or that the threat was  
not made to a person who was a subject of the threatened specified  
offense.

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(C) Whoever violates this section is guilty of making a  
terroristic threat, a felony of the third degree. Section 2909.25  
of the Revised Code applies regarding an offender who is convicted  
of or pleads guilty to a violation of this section.

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**Sec. 2909.24.** (A) No person shall commit a specified offense  
with purpose to do any of the following:

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(1) Intimidate or coerce a civilian population;

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(2) Influence the policy of any government by intimidation or  
coercion;

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(3) Affect the conduct of any government by the specified  
offense.

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(B)(1) Whoever violates this section is guilty of terrorism.

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(2) Except as otherwise provided in divisions (B)(3) and (4)  
of this section, terrorism is an offense one degree higher than  
the most serious underlying specified offense the defendant  
committed.

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(3) If the most serious underlying specified offense the  
defendant committed is a felony of the first degree or murder, the  
person shall be sentenced to life imprisonment without parole.

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(4) If the most serious underlying specified offense the  
defendant committed is aggravated murder, the offender shall be  
sentenced to life imprisonment without parole or death pursuant to

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sections 2929.02 to 2929.06 of the Revised Code.

(5) Section 2909.25 of the Revised Code applies regarding an  
offender who is convicted of or pleads guilty to a violation of  
this section.

**Sec. 2909.25.** (A) In addition to the financial sanctions  
authorized under section 2929.18 of the Revised Code, the court  
imposing sentence upon an offender who is convicted of or pleads  
guilty to a violation of section 2909.22, 2909.23, or 2909.24 of  
the Revised Code or to a violation of section 2921.32 of the  
Revised Code when the offense or act committed by the person aided  
or to be aided as described in that section is an act of terrorism  
may order the offender to pay to the state, municipal, or county  
law enforcement agencies that handled the investigation and  
prosecution all of the costs that the state, municipal  
corporation, or county reasonably incurred in the investigation  
and prosecution of the violation. The court shall hold a hearing  
to determine the amount of costs to be imposed under this section.  
The court may hold the hearing as part of the sentencing hearing  
for the offender.

(B) If a person is convicted of or pleads guilty to a  
violation of section 2909.23 or 2909.24 of the Revised Code and if  
any political subdivision incurred any response costs as a result  
of, or in making any response to, the threat of the specified  
offense involved in the violation of section 2909.23 of the  
Revised Code or the actual specified offense involved in the  
violation of section 2909.24 of the Revised Code, in addition to  
the financial sanctions authorized under section 2929.18 of the  
Revised Code, the court imposing sentence upon the offender for  
the violation may order the offender to reimburse the involved  
political subdivision for the response costs it so incurred.

Sec. 2921.32. (A) No person, with purpose to hinder the 805  
discovery, apprehension, prosecution, conviction, or punishment of 806  
another for crime or to assist another to benefit from the 807  
commission of a crime, and no person, with purpose to hinder the 808  
discovery, apprehension, prosecution, adjudication as a delinquent 809  
child, or disposition of a child for an act that if committed by 810  
an adult would be a crime or to assist a child to benefit from the 811  
commission of an act that if committed by an adult would be a 812  
crime, shall do any of the following: 813

(1) Harbor or conceal the other person or child; 814

(2) Provide the other person or child with money, 815  
transportation, a weapon, a disguise, or other means of avoiding 816  
discovery or apprehension; 817

(3) Warn the other person or child of impending discovery or 818  
apprehension; 819

(4) Destroy or conceal physical evidence of the crime or act, 820  
or induce any person to withhold testimony or information or to 821  
elude legal process summoning the person to testify or supply 822  
evidence; 823

(5) Communicate false information to any person; 824

(6) Prevent or obstruct any person, by means of force, 825  
intimidation, or deception, from performing any act to aid in the 826  
discovery, apprehension, or prosecution of the other person or 827  
child. 828

(B) A person may be prosecuted for, and may be convicted of 829  
or adjudicated a delinquent child for committing, a violation of 830  
division (A) of this section regardless of whether the person or 831  
child aided ultimately is apprehended for, is charged with, is 832  
convicted of, pleads guilty to, or is adjudicated a delinquent 833  
child for committing the crime or act the person or child aided 834

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committed. The crime or act the person or child aided committed 835  
shall be used under division (C) of this section in determining 836  
the penalty for the violation of division (A) of this section, 837  
regardless of whether the person or child aided ultimately is 838  
apprehended for, is charged with, is convicted of, pleads guilty 839  
to, or is adjudicated a delinquent child for committing the crime 840  
or act the person or child aided committed. 841

(C)(1) Whoever violates this section is guilty of obstructing 842  
justice. 843

(2) If the crime committed by the person aided is a 844  
misdemeanor or if the act committed by the child aided would be a 845  
misdemeanor if committed by an adult, obstructing justice is a 846  
misdemeanor of the same degree as the crime committed by the 847  
person aided or a misdemeanor of the same degree that the act 848  
committed by the child aided would be if committed by an adult. 849

(3) Except as otherwise provided in ~~division (B)~~ divisions 850  
(C)(4) and (5) of this section, if the crime committed by the 851  
person aided is a felony or if the act committed by the child 852  
aided would be a felony if committed by an adult, obstructing 853  
justice is a felony of the fifth degree. 854

(4) If the crime committed by the person aided is aggravated 855  
murder, murder, or a felony of the first or second degree or if 856  
the act committed by the child aided would be one of those 857  
offenses if committed by an adult and if the offender knows or has 858  
reason to believe that the crime committed by the person aided is 859  
one of those offenses or that the act committed by the child aided 860  
would be one of those offenses if committed by an adult, 861  
obstructing justice is a felony of the third degree. 862

~~(C)~~(5) If the crime or act committed by the person or child 863  
aided is an act of terrorism, obstructing justice is one of the 864  
following: 865

(a) Except as provided in division (C)(5)(b) of this section, 866  
a felony of the second degree; 867

(b) If the act of terrorism resulted in the death of a person 868  
who was not a participant in the act of terrorism, a felony of the 869  
first degree. 870

(D) As used in this section: 871

(1) "Adult" and "child" have the same meanings as in section 872  
2151.011 of the Revised Code. 873

(2) "Delinquent child" has the same meaning as in section 874  
2152.02 of the Revised Code. 875

(3) "Act of terrorism" has the same meaning as in section 876  
2909.21 of the Revised Code. 877

**Sec. 2923.31.** As used in sections 2923.31 to 2923.36 of the 878  
Revised Code: 879

(A) "Beneficial interest" means any of the following: 880

(1) The interest of a person as a beneficiary under a trust 881  
in which the trustee holds title to personal or real property; 882

(2) The interest of a person as a beneficiary under any other 883  
trust arrangement under which any other person holds title to 884  
personal or real property for the benefit of such person; 885

(3) The interest of a person under any other form of express 886  
fiduciary arrangement under which any other person holds title to 887  
personal or real property for the benefit of such person. 888

"Beneficial interest" does not include the interest of a 889  
stockholder in a corporation or the interest of a partner in 890  
either a general or limited partnership. 891

(B) "Costs of investigation and prosecution" and "costs of 892  
investigation and litigation" mean all of the costs incurred by 893

the state or a county or municipal corporation under sections  
2923.31 to 2923.36 of the Revised Code in the prosecution and  
investigation of any criminal action or in the litigation and  
investigation of any civil action, and includes, but is not  
limited to, the costs of resources and personnel.

(C) "Enterprise" includes any individual, sole  
proprietorship, partnership, limited partnership, corporation,  
trust, union, government agency, or other legal entity, or any  
organization, association, or group of persons associated in fact  
although not a legal entity. "Enterprise" includes illicit as well  
as licit enterprises.

(D) "Innocent person" includes any bona fide purchaser of  
property that is allegedly involved in a violation of section  
2923.32 of the Revised Code, including any person who establishes  
a valid claim to or interest in the property in accordance with  
division (E) of section 2923.32 of the Revised Code, and any  
victim of an alleged violation of that section or of any  
underlying offense involved in an alleged violation of that  
section.

(E) "Pattern of corrupt activity" means two or more incidents  
of corrupt activity, whether or not there has been a prior  
conviction, that are related to the affairs of the same  
enterprise, are not isolated, and are not so closely related to  
each other and connected in time and place that they constitute a  
single event.

At least one of the incidents forming the pattern shall occur  
on or after January 1, 1986. Unless any incident was an aggravated  
murder or murder, the last of the incidents forming the pattern  
shall occur within six years after the commission of any prior  
incident forming the pattern, excluding any period of imprisonment  
served by any person engaging in the corrupt activity.

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For the purposes of the criminal penalties that may be 926  
imposed pursuant to section 2923.32 of the Revised Code, at least 927  
one of the incidents forming the pattern shall constitute a felony 928  
under the laws of this state in existence at the time it was 929  
committed or, if committed in violation of the laws of the United 930  
States or of any other state, shall constitute a felony under the 931  
law of the United States or the other state and would be a 932  
criminal offense under the law of this state if committed in this 933  
state. 934

(F) "Pecuniary value" means money, a negotiable instrument, a 935  
commercial interest, or anything of value, as defined in section 936  
1.03 of the Revised Code, or any other property or service that 937  
has a value in excess of one hundred dollars. 938

(G) "Person" means any person, as defined in section 1.59 of 939  
the Revised Code, and any governmental officer, employee, or 940  
entity. 941

(H) "Personal property" means any personal property, any 942  
interest in personal property, or any right, including, but not 943  
limited to, bank accounts, debts, corporate stocks, patents, or 944  
copyrights. Personal property and any beneficial interest in 945  
personal property are deemed to be located where the trustee of 946  
the property, the personal property, or the instrument evidencing 947  
the right is located. 948

(I) "Corrupt activity" means engaging in, attempting to 949  
engage in, conspiring to engage in, or soliciting, coercing, or 950  
intimidating another person to engage in any of the following: 951

(1) Conduct defined as "racketeering activity" under the 952  
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 953  
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 954

(2) Conduct constituting any of the following: 955

(a) A violation of section 1315.55, 1322.02, 2903.01, 956



2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 957  
2905.11, 2905.22, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 958  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 959  
2911.13, 2911.31, 2913.05, 2913.06, 2921.02, 2921.03, 2921.04, 960  
2921.11, 2921.12, 2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 961  
2923.17; division (F)(1)(a), (b), or (c) of section 1315.53; 962  
division (A)(1) or (2) of section 1707.042; division (B), (C)(4), 963  
(D), (E), or (F) of section 1707.44; division (A)(1) or (2) of 964  
section 2923.20; division (J)(1) of section 4712.02; section 965  
4719.02, 4719.05, or 4719.06; division (C), (D), or (E) of section 966  
4719.07; section 4719.08; or division (A) of section 4719.09 of 967  
the Revised Code. 968

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 969  
3769.19 of the Revised Code as it existed prior to July 1, 1996, 970  
any violation of section 2915.02 of the Revised Code that occurs 971  
on or after July 1, 1996, and that, had it occurred prior to that 972  
date, would have been a violation of section 3769.11 of the 973  
Revised Code as it existed prior to that date, or any violation of 974  
section 2915.05 of the Revised Code that occurs on or after July 975  
1, 1996, and that, had it occurred prior to that date, would have 976  
been a violation of section 3769.15, 3769.16, or 3769.19 of the 977  
Revised Code as it existed prior to that date. 978

(c) Any violation of section 2907.21, 2907.22, 2907.31, 979  
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 980  
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 981  
of the Revised Code, any violation of section 2925.11 of the 982  
Revised Code that is a felony of the first, second, third, or 983  
fourth degree and that occurs on or after July 1, 1996, any 984  
violation of section 2915.02 of the Revised Code that occurred 985  
prior to July 1, 1996, any violation of section 2915.02 of the 986  
Revised Code that occurs on or after July 1, 1996, and that, had 987  
it occurred prior to that date, would not have been a violation of 988

section 3769.11 of the Revised Code as it existed prior to that 989  
date, any violation of section 2915.06 of the Revised Code as it 990  
existed prior to July 1, 1996, or any violation of division (B) of 991  
section 2915.05 of the Revised Code as it exists on and after July 992  
1, 1996, when the proceeds of the violation, the payments made in 993  
the violation, the amount of a claim for payment or for any other 994  
benefit that is false or deceptive and that is involved in the 995  
violation, or the value of the contraband or other property 996  
illegally possessed, sold, or purchased in the violation exceeds 997  
five hundred dollars, or any combination of violations described 998  
in division (I)(2)(c) of this section when the total proceeds of 999  
the combination of violations, payments made in the combination of 1000  
violations, amount of the claims for payment or for other benefits 1001  
that is false or deceptive and that is involved in the combination 1002  
of violations, or value of the contraband or other property 1003  
illegally possessed, sold, or purchased in the combination of 1004  
violations exceeds five hundred dollars; 1005

(d) Any violation of section 5743.112 of the Revised Code 1006  
when the amount of unpaid tax exceeds one hundred dollars; 1007

(e) Any violation or combination of violations of section 1008  
2907.32 of the Revised Code involving any material or performance 1009  
containing a display of bestiality or of sexual conduct, as 1010  
defined in section 2907.01 of the Revised Code, that is explicit 1011  
and depicted with clearly visible penetration of the genitals or 1012  
clearly visible penetration by the penis of any orifice when the 1013  
total proceeds of the violation or combination of violations, the 1014  
payments made in the violation or combination of violations, or 1015  
the value of the contraband or other property illegally possessed, 1016  
sold, or purchased in the violation or combination of violations 1017  
exceeds five hundred dollars; 1018

(f) Any combination of violations described in division 1019  
(I)(2)(c) of this section and violations of section 2907.32 of the 1020

Revised Code involving any material or performance containing a  
display of bestiality or of sexual conduct, as defined in section  
2907.01 of the Revised Code, that is explicit and depicted with  
clearly visible penetration of the genitals or clearly visible  
penetration by the penis of any orifice when the total proceeds of  
the combination of violations, payments made in the combination of  
violations, amount of the claims for payment or for other benefits  
that is false or deceptive and that is involved in the combination  
of violations, or value of the contraband or other property  
illegally possessed, sold, or purchased in the combination of  
violations exceeds five hundred dollars.

(3) Conduct constituting a violation of any law of any state  
other than this state that is substantially similar to the conduct  
described in division (I)(2) of this section, provided the  
defendant was convicted of the conduct in a criminal proceeding in  
the other state.

(J) "Real property" means any real property or any interest  
in real property, including, but not limited to, any lease of, or  
mortgage upon, real property. Real property and any beneficial  
interest in it is deemed to be located where the real property is  
located.

(K) "Trustee" means any of the following:

(1) Any person acting as trustee under a trust in which the  
trustee holds title to personal or real property;

(2) Any person who holds title to personal or real property  
for which any other person has a beneficial interest;

(3) Any successor trustee.

"Trustee" does not include an assignee or trustee for an  
insolvent debtor or an executor, administrator, administrator with  
the will annexed, testamentary trustee, guardian, or committee,  
appointed by, under the control of, or accountable to a court.

(L) "Unlawful debt" means any money or other thing of value  
constituting principal or interest of a debt that is legally  
unenforceable in this state in whole or in part because the debt  
was incurred or contracted in violation of any federal or state  
law relating to the business of gambling activity or relating to  
the business of lending money at an usurious rate unless the  
creditor proves, by a preponderance of the evidence, that the  
usurious rate was not intentionally set and that it resulted from  
a good faith error by the creditor, notwithstanding the  
maintenance of procedures that were adopted by the creditor to  
avoid an error of that nature.

**Sec. 2927.24.** (A) As used in this section:

(1) "Poison" has the same meaning as in section 3719.01 of  
the Revised Code.

(2) "Drug" has the same meaning as in section 4729.01 of the  
Revised Code.

(3) "Hazardous chemical, biological, or radioactive  
substance" means any of the following:

(a) Any toxic or poisonous chemical, the precursor of any  
toxic or poisonous chemical, or any toxin;

(b) Any disease organism or biological agent;

(c) Any substance or item that releases or is designed to  
release radiation or radioactivity at a level dangerous to human  
life.

(4) "Biological agent" means any microorganism, virus,  
infectious substance, or biological product that may be engineered  
through biotechnology, or any naturally occurring or bioengineered  
component of any microorganism, virus, infectious substance, or  
biological product that may be engineered through biotechnology,  
capable of causing death, disease, or other biological malfunction

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in a human, an animal, a plant, or another living organism,  
deterioration of food, water, equipment, supplies, or material of  
any kind, or deleterious alteration of the environment.

(5) "Toxin" means the toxic material of plants, animals,  
microorganisms, viruses, fungi, or infectious substances, or a  
recombinant molecule, whatever its origin or method of  
reproduction, including, but not limited to, any poisonous  
substance or biological product that may be engineered through  
biotechnology or produced by a living organism and any poisonous  
isomer or biological product, homolog, or derivative of any  
substance or product of that nature.

(B) Except as provided in division (D) of this section, no  
person shall knowingly do any of the following:

(1) Knowingly mingle a poison, hazardous chemical,  
biological, or radioactive substance, or other harmful substance  
with a food, drink, nonprescription drug, prescription drug, or  
pharmaceutical product, or knowingly place a poison, hazardous  
chemical, biological, or radioactive substance, or other harmful  
substance in a spring, well, reservoir, or public water supply, if  
the person knows or has reason to know that the food, drink,  
nonprescription drug, prescription drug, pharmaceutical product,  
or water may be ingested or used by another person. For purposes  
of this division, a person does not know or have reason to know  
that water may be ingested or used by another person if it is  
disposed of as waste into a household drain including the drain of  
a toilet, sink, tub, or floor.

(2) Knowingly release into the air, knowingly leave in any  
public place, or knowingly expose one or more persons to any  
hazardous chemical, biological, or radioactive substance with the  
intent to cause, or create a risk of, death or serious physical  
harm to any person.

(C) No person shall ~~inform~~ do any of the following: 1113

(1) Inform another person that a poison, hazardous chemical, 1114  
biological, or radioactive substance, or other harmful substance 1115  
has been or will be placed in a food, drink, nonprescription drug, 1116  
prescription drug, or other pharmaceutical product, spring, well, 1117  
reservoir, or public water supply, if the placement of the poison 1118  
or ~~other harmful~~ substance would be a violation of division (B)(1) 1119  
of this section, and the person knows both that the information is 1120  
false and that the information likely will be disseminated to the 1121  
public. 1122

(2) Inform another person that a hazardous chemical, 1123  
biological, or radioactive substance has been or will be released 1124  
into the air or left in a public place, or that one or more 1125  
persons has been or will be exposed to a hazardous chemical, 1126  
biological, or radioactive substance, if the release, leaving, or 1127  
exposure of the hazardous chemical, biological, or radioactive 1128  
substance would be a violation of division (B)(2) of this section, 1129  
and the person knows both that the information is false and that 1130  
the information likely will be disseminated to the general public. 1131

(D)(1) A person may mingle a drug with a food or drink for 1132  
the purpose of causing the drug to be ingested or used in the 1133  
quantity described by its labeling or prescription. 1134

(2) A person may place a poison or other harmful substance in 1135  
a spring, well, reservoir, or public water supply in such quantity 1136  
as is necessary to treat the spring, well, reservoir, or water 1137  
supply to make it safe for human consumption and use. 1138

(3) The provisions of division ~~(A)~~(B) of this section shall 1139  
not be applied in a manner that conflicts with any other state or 1140  
federal law or rule relating to substances permitted to be applied 1141  
to or present in any food, raw or processed, any milk or milk 1142  
product, any meat or meat product, any type of crop, water, or 1143

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alcoholic or nonalcoholic beverage. 1144

(E)(1) Whoever violates division (B)(1) or (2) of this 1145  
section is guilty of contaminating a substance for human 1146  
consumption or use or contamination with a hazardous chemical, 1147  
biological, or radioactive substance. Except as otherwise provided 1148  
in this division, contaminating a substance for human consumption 1149  
or use or contamination with a hazardous chemical, biological, or 1150  
radioactive substance is a felony of the first degree. If the 1151  
offense involved an amount of poison, the hazardous chemical, 1152  
biological, or radioactive substance, or the other harmful 1153  
substance sufficient to cause death if ingested or used by a 1154  
person regarding a violation of division (B)(1) of this section or 1155  
sufficient to cause death to persons who are exposed to it 1156  
regarding a violation of division (B)(2) of this section or if the 1157  
offense resulted in serious physical harm to another person, 1158  
whoever violates division (B)(1) or (2) of this section shall be 1159  
imprisoned for life with parole eligibility after serving fifteen 1160  
years of imprisonment. 1161

(2) Whoever violates division (C)(1) or (2) of this section 1162  
is guilty of spreading a false report of contamination, a felony 1163  
of the fourth degree. 1164

(F) Divisions (C)(1) and (2) of this section do not limit or 1165  
affect the application of sections 2917.31 or 2917.32 of the 1166  
Revised Code. Any act that is a violation of both division (C)(1) 1167  
or (2) of this section and of section 2917.31 or 2917.32 of the 1168  
Revised Code may be prosecuted under this section, section 2917.31 1169  
or 2917.32 of the Revised Code, or both this section and section 1170  
2917.31 or 2917.32 of the Revised Code. 1171

**Sec. 2929.04.** (A) Imposition of the death penalty for 1172  
aggravated murder is precluded unless one or more of the following 1173  
is specified in the indictment or count in the indictment pursuant 1174

to section 2941.14 of the Revised Code and proved beyond a 1175  
reasonable doubt: 1176

(1) The offense was the assassination of the president of the 1177  
United States or a person in line of succession to the presidency, 1178  
the governor or lieutenant governor of this state, the 1179  
president-elect or vice president-elect of the United States, the 1180  
governor-elect or lieutenant governor-elect of this state, or a 1181  
candidate for any of the offices described in this division. For 1182  
purposes of this division, a person is a candidate if the person 1183  
has been nominated for election according to law, if the person 1184  
has filed a petition or petitions according to law to have the 1185  
person's name placed on the ballot in a primary or general 1186  
election, or if the person campaigns as a write-in candidate in a 1187  
primary or general election. 1188

(2) The offense was committed for hire. 1189

(3) The offense was committed for the purpose of escaping 1190  
detection, apprehension, trial, or punishment for another offense 1191  
committed by the offender. 1192

(4) The offense was committed while the offender was under 1193  
detention or while the offender was at large after having broken 1194  
detention. As used in division (A)(4) of this section, "detention" 1195  
has the same meaning as in section 2921.01 of the Revised Code, 1196  
except that detention does not include hospitalization, 1197  
institutionalization, or confinement in a mental health facility 1198  
or mental retardation and developmentally disabled facility unless 1199  
at the time of the commission of the offense either of the 1200  
following circumstances apply: 1201

(a) The offender was in the facility as a result of being 1202  
charged with a violation of a section of the Revised Code. 1203

(b) The offender was under detention as a result of being 1204  
convicted of or pleading guilty to a violation of a section of the 1205



Revised Code. 1206

(5) Prior to the offense at bar, the offender was convicted 1207  
of an offense an essential element of which was the purposeful 1208  
killing of or attempt to kill another, or the offense at bar was 1209  
part of a course of conduct involving the purposeful killing of or 1210  
attempt to kill two or more persons by the offender. 1211

(6) The victim of the offense was a law enforcement officer, 1212  
as defined in section 2911.01 of the Revised Code, whom the 1213  
offender had reasonable cause to know or knew to be a law 1214  
enforcement officer as so defined, and either the victim, at the 1215  
time of the commission of the offense, was engaged in the victim's 1216  
duties, or it was the offender's specific purpose to kill a law 1217  
enforcement officer as so defined. 1218

(7) The offense was committed while the offender was 1219  
committing, attempting to commit, or fleeing immediately after 1220  
committing or attempting to commit kidnapping, rape, aggravated 1221  
arson, aggravated robbery, or aggravated burglary, and either the 1222  
offender was the principal offender in the commission of the 1223  
aggravated murder or, if not the principal offender, committed the 1224  
aggravated murder with prior calculation and design. 1225

(8) The victim of the aggravated murder was a witness to an 1226  
offense who was purposely killed to prevent the victim's testimony 1227  
in any criminal proceeding and the aggravated murder was not 1228  
committed during the commission, attempted commission, or flight 1229  
immediately after the commission or attempted commission of the 1230  
offense to which the victim was a witness, or the victim of the 1231  
aggravated murder was a witness to an offense and was purposely 1232  
killed in retaliation for the victim's testimony in any criminal 1233  
proceeding. 1234

(9) The offender, in the commission of the offense, 1235  
purposefully caused the death of another who was under thirteen 1236

years of age at the time of the commission of the offense, and 1237  
either the offender was the principal offender in the commission 1238  
of the offense or, if not the principal offender, committed the 1239  
offense with prior calculation and design. 1240

(10) The offense was committed while the offender was 1241  
committing, attempting to commit, or fleeing immediately after 1242  
committing or attempting to commit terrorism. 1243

(B) If one or more of the aggravating circumstances listed in 1244  
division (A) of this section is specified in the indictment or 1245  
count in the indictment and proved beyond a reasonable doubt, and 1246  
if the offender did not raise the matter of age pursuant to 1247  
section 2929.023 of the Revised Code or if the offender, after 1248  
raising the matter of age, was found at trial to have been 1249  
eighteen years of age or older at the time of the commission of 1250  
the offense, the court, trial jury, or panel of three judges shall 1251  
consider, and weigh against the aggravating circumstances proved 1252  
beyond a reasonable doubt, the nature and circumstances of the 1253  
offense, the history, character, and background of the offender, 1254  
and all of the following factors: 1255

(1) Whether the victim of the offense induced or facilitated 1256  
it; 1257

(2) Whether it is unlikely that the offense would have been 1258  
committed, but for the fact that the offender was under duress, 1259  
coercion, or strong provocation; 1260

(3) Whether, at the time of committing the offense, the 1261  
offender, because of a mental disease or defect, lacked 1262  
substantial capacity to appreciate the criminality of the 1263  
offender's conduct or to conform the offender's conduct to the 1264  
requirements of the law; 1265

(4) The youth of the offender; 1266

(5) The offender's lack of a significant history of prior 1267

criminal convictions and delinquency adjudications; 1268

(6) If the offender was a participant in the offense but not 1269  
the principal offender, the degree of the offender's participation 1270  
in the offense and the degree of the offender's participation in 1271  
the acts that led to the death of the victim; 1272

(7) Any other factors that are relevant to the issue of 1273  
whether the offender should be sentenced to death. 1274

(C) The defendant shall be given great latitude in the 1275  
presentation of evidence of the factors listed in division (B) of 1276  
this section and of any other factors in mitigation of the 1277  
imposition of the sentence of death. 1278

The existence of any of the mitigating factors listed in 1279  
division (B) of this section does not preclude the imposition of a 1280  
sentence of death on the offender but shall be weighed pursuant to 1281  
divisions (D)(2) and (3) of section 2929.03 of the Revised Code by 1282  
the trial court, trial jury, or the panel of three judges against 1283  
the aggravating circumstances the offender was found guilty of 1284  
committing. 1285

**Sec. 2933.51.** As used in sections 2933.51 to 2933.66 of the 1286  
Revised Code: 1287

(A) "Wire communication" means an aural transfer that is made 1288  
in whole or in part through the use of facilities for the 1289  
transmission of communications by the aid of wires or similar 1290  
methods of connecting the point of origin of the communication and 1291  
the point of reception of the communication, including the use of 1292  
a method of connecting the point of origin and the point of 1293  
reception of the communication in a switching station, if the 1294  
facilities are furnished or operated by a person engaged in 1295  
providing or operating the facilities for the transmission of 1296  
communications. "Wire communication" includes an electronic 1297

storage of a wire communication. 1298

(B) "Oral communication" means an oral communication uttered 1299  
by a person exhibiting an expectation that the communication is 1300  
not subject to interception under circumstances justifying that 1301  
expectation. "Oral communication" does not include an electronic 1302  
communication. 1303

(C) "Intercept" means the aural or other acquisition of the 1304  
contents of any wire, oral, or electronic communication through 1305  
the use of an interception device. 1306

(D) "Interception device" means an electronic, mechanical, or 1307  
other device or apparatus that can be used to intercept a wire, 1308  
oral, or electronic communication. "Interception device" does not 1309  
mean any of the following: 1310

(1) A telephone or telegraph instrument, equipment, or 1311  
facility, or any of its components, if the instrument, equipment, 1312  
facility, or component is any of the following: 1313

(a) Furnished to the subscriber or user by a provider of wire 1314  
or electronic communication service in the ordinary course of its 1315  
business and being used by the subscriber or user in the ordinary 1316  
course of its business; 1317

(b) Furnished by a subscriber or user for connection to the 1318  
facilities of a provider of wire or electronic communication 1319  
service and used in the ordinary course of that subscriber's or 1320  
user's business; 1321

(c) Being used by a provider of wire or electronic 1322  
communication service in the ordinary course of its business or by 1323  
an investigative or law enforcement officer in the ordinary course 1324  
of the officer's duties that do not involve the interception of 1325  
wire, oral, or electronic communications. 1326

(2) A hearing aid or similar device being used to correct 1327

subnormal hearing to not better than normal. 1328

(E) "Investigative officer" means any of the following: 1329

(1) An officer of this state or a political subdivision of 1330  
this state, who is empowered by law to conduct investigations or 1331  
to make arrests for a designated offense; 1332

(2) A person described in divisions (A)(11)(a) and (b) of 1333  
section 2901.01 of the Revised Code; 1334

(3) An attorney authorized by law to prosecute or participate 1335  
in the prosecution of a designated offense; 1336

(4) A secret service officer appointed pursuant to section 1337  
309.07 of the Revised Code; 1338

(5) An officer of the United States, a state, or a political 1339  
subdivision of a state who is authorized to conduct investigations 1340  
pursuant to the "Electronic Communications Privacy Act of 1986," 1341  
100 Stat. 1848-1857, 18 U.S.C. 2510-2521 (1986), as amended. 1342

(F) "Interception warrant" means a court order that 1343  
authorizes the interception of wire, oral, or electronic 1344  
communications and that is issued pursuant to sections 2933.53 to 1345  
2933.56 of the Revised Code. 1346

(G) "Contents," when used with respect to a wire, oral, or 1347  
electronic communication, includes any information concerning the 1348  
substance, purport, or meaning of the communication. 1349

(H) "Communications common carrier" means a person who is 1350  
engaged as a common carrier for hire in intrastate, interstate, or 1351  
foreign communications by wire, radio, or radio transmission of 1352  
energy. "Communications common carrier" does not include, to the 1353  
extent that the person is engaged in radio broadcasting, a person 1354  
engaged in radio broadcasting. 1355

(I) "Designated offense" means any of the following: 1356

(1) A felony violation of section 1315.53, 1315.55, 2903.01, 1357  
2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 2907.02, 1358  
2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 1359  
2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.04, 1360  
2913.42, 2913.51, 2915.02, 2915.03, 2917.01, 2917.02, 2921.02, 1361  
2921.03, 2921.04, 2921.32, 2921.34, 2923.20, 2923.32, 2925.03, 1362  
2925.04, 2925.05, or 2925.06 or of division (B) of section 2915.05 1363  
of the Revised Code; 1364

(2) A violation of section 2919.23 of the Revised Code that, 1365  
had it occurred prior to July 1, 1996, would have been a violation 1366  
of section 2905.04 of the Revised Code as it existed prior to that 1367  
date; 1368

(3) A felony violation of section 2925.11 of the Revised Code 1369  
that is not a minor drug possession offense, as defined in section 1370  
2925.01 of the Revised Code; 1371

(4) Complicity in the commission of a felony violation of a 1372  
section listed in division (I)(1), (2), or (3) of this section; 1373

(5) An attempt to commit, or conspiracy in the commission of, 1374  
a felony violation of a section listed in division (I)(1), (2), or 1375  
(3) of this section, if the attempt or conspiracy is punishable by 1376  
a term of imprisonment of more than one year. 1377

(J) "Aggrieved person" means a person who was a party to an 1378  
intercepted wire, oral, or electronic communication or a person 1379  
against whom the interception of the communication was directed. 1380

(K) "Person" means a person, as defined in section 1.59 of 1381  
the Revised Code, or a governmental officer, employee, or entity. 1382

(L) "Special need" means a showing that a licensed physician, 1383  
licensed practicing psychologist, attorney, practicing cleric, 1384  
journalist, or either spouse is personally engaging in continuing 1385  
criminal activity, was engaged in continuing criminal activity 1386  
over a period of time, or is committing, has committed, or is 1387

about to commit, a designated offense, or a showing that specified  
public facilities are being regularly used by someone who is  
personally engaging in continuing criminal activity, was engaged  
in continuing criminal activity over a period of time, or is  
committing, has committed, or is about to commit, a designated  
offense.

(M) "Journalist" means a person engaged in, connected with,  
or employed by, any news media, including a newspaper, magazine,  
press association, news agency, or wire service, a radio or  
television station, or a similar media, for the purpose of  
gathering, processing, transmitting, compiling, editing, or  
disseminating news for the general public.

(N) "Electronic communication" means a transfer of a sign,  
signal, writing, image, sound, datum, or intelligence of any  
nature that is transmitted in whole or in part by a wire, radio,  
electromagnetic, photoelectronic, or photo-optical system.

"Electronic communication" does not mean any of the following:

(1) A wire or oral communication;

(2) A communication made through a tone-only paging device;

(3) A communication from an electronic or mechanical tracking  
device that permits the tracking of the movement of a person or  
object.

(O) "User" means a person or entity that uses an electronic  
communication service and is duly authorized by the provider of  
the service to engage in the use of the electronic communication  
service.

(P) "Electronic communications system" means a wire, radio,  
electromagnetic, photoelectronic, or photo-optical facility for  
the transmission of electronic communications, and a computer  
facility or related electronic equipment for the electronic  
storage of electronic communications.

(Q) "Electronic communication service" means a service that 1419  
provides to users of the service the ability to send or receive 1420  
wire or electronic communications. 1421

(R) "Readily accessible to the general public" means, with 1422  
respect to a radio communication, that the communication is none 1423  
of the following: 1424

(1) Scrambled or encrypted; 1425

(2) Transmitted using a modulation technique, the essential 1426  
parameters of which have been withheld from the public with the 1427  
intention of preserving the privacy of the communication; 1428

(3) Carried on a subcarrier or other signal subsidiary to a 1429  
radio transmission; 1430

(4) Transmitted over a communications system provided by a 1431  
communications common carrier, unless the communication is a 1432  
tone-only paging system communication; 1433

(5) Transmitted on a frequency allocated under part 25, 1434  
subpart D, E, or F of part 74, or part 94 of the Rules of the 1435  
Federal Communications Commission, as those provisions existed on 1436  
July 1, 1996, unless, in the case of a communication transmitted 1437  
on a frequency allocated under part 74 that is not exclusively 1438  
allocated to broadcast auxiliary services, the communication is a 1439  
two-way voice communication by radio. 1440

(S) "Electronic storage" means a temporary, intermediate 1441  
storage of a wire or electronic communication that is incidental 1442  
to the electronic transmission of the communication, and a storage 1443  
of a wire or electronic communication by an electronic 1444  
communication service for the purpose of backup protection of the 1445  
communication. 1446

(T) "Aural transfer" means a transfer containing the human 1447  
voice at a point between and including the point of origin and the 1448



point of reception. 1449

(U) "Pen register" means a device that records or decodes 1450  
electronic impulses that identify the numbers dialed, pulsed, or 1451  
otherwise transmitted on telephone lines to which the device is 1452  
attached. 1453

(V) "Trap and trace device" means a device that captures the 1454  
incoming electronic or other impulses that identify the 1455  
originating number of an instrument or device from which a wire 1456  
communication or electronic communication was transmitted but that 1457  
does not intercept the contents of the wire communication or 1458  
electronic communication. 1459

(W) "Judge of a court of common pleas" means a judge of that 1460  
court who is elected or appointed as a judge of general 1461  
jurisdiction or as a judge who exercises both general jurisdiction 1462  
and probate, domestic relations, or juvenile jurisdiction. "Judge 1463  
of a court of common pleas" does not mean a judge of that court 1464  
who is elected or appointed specifically as a probate, domestic 1465  
relations, or juvenile judge. 1466

**Sec. 2941.14.** (A) In an indictment for aggravated murder, 1467  
murder, or voluntary or involuntary manslaughter, the manner in 1468  
which, or the means by which the death was caused need not be set 1469  
forth. 1470

(B) Imposition of the death penalty for aggravated murder is 1471  
precluded unless the indictment or count in the indictment 1472  
charging the offense specifies one or more of the aggravating 1473  
circumstances listed in division (A) of section 2929.04 of the 1474  
Revised Code. If more than one aggravating circumstance is 1475  
specified to an indictment or count, each shall be in a separately 1476  
numbered specification, and if an aggravating circumstance is 1477  
specified to a count in an indictment containing more than one 1478  
count, such specification shall be identified as to the count to 1479

which it applies.

(C) A specification to an indictment or count in an indictment charging aggravated murder shall be stated at the end of the body of the indictment or count, and may be in substantially the following form:

"SPECIFICATION (or, SPECIFICATION 1, SPECIFICATION TO THE FIRST COUNT, or SPECIFICATION 1 TO THE FIRST COUNT). The Grand Jurors further find and specify that (set forth the applicable aggravating circumstance listed in divisions (A)(1) to ~~(9)~~(10) of section 2929.04 of the Revised Code. The aggravating circumstance may be stated in the words of the subdivision in which it appears, or in words sufficient to give the accused notice of the same)."

**Sec. 3313.536.** The board of education of each city, exempted village, and local school district shall adopt a comprehensive school safety plan for each school building under the board's control. The board shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the board shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. The board shall consider incorporating remediation strategies into the plan for any building where documented safety problems have occurred. The board shall file a copy of the safety plan with each law enforcement agency that has jurisdiction over the school building.

The board shall incorporate into the plan both of the following:

(A) A protocol for addressing serious threats to the safety

of school property, students, employees, or administrators; 1511

(B) A protocol for responding to any emergency events that do 1512  
occur and that compromise the safety of school property, students, 1513  
employees, or administrators. 1514

Each protocol shall include procedures deemed appropriate by 1515  
the board for responding to threats and emergency events, 1516  
respectively, including such things as notification of appropriate 1517  
law enforcement personnel, calling upon specified emergency 1518  
response personnel for assistance, and informing parents of 1519  
affected students. 1520

**Sec. 4507.09.** (A) Except as provided in division (B) of this 1521  
section, every driver's license issued to a resident of this state 1522  
expires on the birthday of the applicant in the fourth year after 1523  
the date it is issued and every driver's license issued to a 1524  
temporary resident expires in accordance with rules adopted by the 1525  
registrar of motor vehicles. In no event shall any license be 1526  
issued for a period longer than four years and ninety days. 1527

Subject to the requirements of section 4507.12 of the Revised 1528  
Code, every driver's license issued to a resident is renewable at 1529  
any time prior to its expiration and any license of a temporary 1530  
resident is nonrenewable. A nonrenewable license may be replaced 1531  
with a new license within ninety days prior to its expiration ~~upon~~ 1532  
~~the applicant's compliance with all applicable requirements in~~ 1533  
accordance with division (E) of this section. No refund shall be 1534  
made or credit given for the unexpired portion of the driver's 1535  
license that is renewed. The registrar of motor vehicles shall 1536  
notify each person whose driver's license has expired within 1537  
forty-five days after the date of expiration. Notification shall 1538  
be made by regular mail sent to the person's last known address as 1539  
shown in the records of the bureau of motor vehicles. Failure to 1540  
provide such notification shall not be construed as a renewal or 1541

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extension of any license. For the purposes of this section, the 1542  
date of birth of any applicant born on the twenty-ninth day of 1543  
February shall be deemed to be the first day of March in any year 1544  
in which there is no twenty-ninth day of February. 1545

(B) Every driver's license or renewal of a driver's license 1546  
issued to an applicant who is sixteen years of age or older, but 1547  
less than twenty-one years of age, expires on the twenty-first 1548  
birthday of the applicant, except that an applicant who applies no 1549  
more than thirty days before the applicant's twenty-first birthday 1550  
shall be issued a license in accordance with division (A) of this 1551  
section. 1552

(C) Each person licensed as a driver under this chapter shall 1553  
notify the registrar of any change in the person's address within 1554  
ten days following that change. The notification shall be in 1555  
writing on a form provided by the registrar and shall include the 1556  
full name, date of birth, license number, county of residence, 1557  
social security number, and new address of the person. 1558

(D) No driver's license shall be renewed when renewal is 1559  
prohibited by division (A) of section 4507.091 of the Revised 1560  
Code. 1561

(E) A nonrenewable license may be replaced with a new license 1562  
within ninety days prior to its expiration upon the applicant's 1563  
presentation of documentation verifying the applicant's legal 1564  
presence in the United States. A nonrenewable license expires on 1565  
the same date listed on the legal presence documentation, or on 1566  
the same date in the fourth year after the date the nonrenewable 1567  
license is issued, whichever comes first. A nonrenewable license 1568  
is not transferable, and the applicant may not rely on it to 1569  
obtain a driver's license in another state. 1570

In accordance with Chapter 119. of the Revised Code, the 1571  
registrar of motor vehicles shall adopt rules governing 1572  
nonrenewable licenses for temporary residents. At a minimum, the 1573

rules shall include provisions specifying all of the following: 1574

(1) That no nonrenewable license may extend beyond the 1575  
duration of the applicant's temporary residence in this state; 1576

(2) That no nonrenewable license may be replaced by a new 1577  
license unless the applicant provides acceptable documentation of 1578  
the person's identity and of the applicant's continued temporary 1579  
residence in this state; 1580

(3) That no nonrenewable license is valid to apply for a 1581  
driver's license in any other state; 1582

(4) That every nonrenewable license may contain any security 1583  
features that the registrar prescribes. 1584

**Sec. 5502.26.** (A) The board of county commissioners of a 1585  
county and the chief executive of all or a majority of the other 1586  
political subdivisions within the county may enter into a written 1587  
agreement establishing a countywide emergency management agency. 1588

A representative from each political subdivision entering 1589  
into the agreement, selected by the political subdivision's chief 1590  
executive, shall constitute a countywide advisory group for the 1591  
purpose of appointing an executive committee under this section 1592  
through which the countywide agency shall implement emergency 1593  
management in the county in accordance with this section and for 1594  
the purpose of advising the executive committee on matters 1595  
pertaining to countywide emergency management. The executive 1596  
committee shall consist of at least the following seven members: 1597  
one county commissioner representing the board of county 1598  
commissioners entering into the agreement; five chief executives 1599  
representing the municipal corporations and townships entering 1600  
into the agreement; and one nonelected representative. The 1601  
countywide agreement shall specify how many additional members, if 1602  
any, shall serve on the executive committee and their manner of 1603

selection.

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The agency shall be supported financially by the political subdivisions entering into the countywide agreement. The executive committee shall appoint a director/coordinator of emergency management who shall pursue a professional development training program in accordance with rules adopted under section 5502.25 of the Revised Code. The director/coordinator of emergency management may be an official or employee of any political subdivision entering into the countywide agreement, except that the director/coordinator shall not be the chief executive of any such political subdivision.

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A countywide emergency management agency organized under this section shall establish a program for emergency management that:

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(1) Is in accordance with sections 5502.21 to 5502.51 of the Revised Code, rules adopted under those sections, ~~the "Act of January 12, 1951," 64 Stat. 1245, 50 App. U.S.C.A. 2251~~ local ordinances pertaining to emergency management, the "Robert T. Stafford Disaster Relief and Emergency Assistance Act," 88 Stat. 143, 42 U.S.C. 5121, et. seq., as amended, and all applicable rules and regulations adopted under it that act;

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(2) Includes, without limitation, development of an all-hazards emergency operations plan that has been coordinated with all agencies, boards, and divisions having emergency management functions within the county;

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(3) Includes the preparation and conduct of an annual exercise of the county's all-hazards emergency operations plan;

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(4) Is applicable to all political subdivisions entering into the countywide agreement.

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The director/coordinator of emergency management for a countywide agency organized under this section shall be responsible for coordinating, organizing, administering, and

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operating emergency management in accordance with the agency's  
program established under this section, subject to the direction  
and control of the executive committee. All agencies, boards, and  
divisions having emergency management functions within each  
political subdivision within the county shall cooperate in the  
development of the all-hazards emergency operations plan and shall  
cooperate in the preparation and conduct of the annual exercise.

(B) Nothing in this section requires any political  
subdivision that is located within a county that has entered into  
a written agreement under this section establishing a countywide  
emergency management agency to enter into that agreement, provided  
that the political subdivision has established a program for  
emergency management in accordance with section 5502.271 of the  
Revised Code.

(C) A countywide emergency management agency shall be  
considered a county board and shall receive the services of the  
auditor, treasurer, and prosecuting attorney of the county in the  
same manner as other county agencies, boards, or divisions.

**Sec. 5502.27.** (A) In lieu of establishing a countywide  
emergency management agency under section 5502.26 of the Revised  
Code, the boards of county commissioners of two or more counties,  
with the consent of the chief executives of a majority of the  
participating political subdivisions of each county involved, may  
enter into a written agreement establishing a regional authority  
for emergency management.

A representative from each political subdivision entering  
into the agreement, selected by the political subdivision's chief  
executive, shall constitute a regional advisory group for the  
purpose of appointing an executive committee under this section  
through which the regional authority shall implement emergency  
management in the counties in accordance with this section and for

the purpose of advising the executive committee on matters  
pertaining to regional emergency management. The executive  
committee shall consist of at least the following nine members:  
two county commissioners representing the boards of county  
commissioners entering into the agreement; six chief executives  
representing the municipal corporations and townships entering  
into the agreement; and one nonelected representative. The  
regional agreement shall specify how many additional members, if  
any, shall serve on the executive committee and their manner of  
selection.

The authority shall be supported financially by the political  
subdivisions entering into the regional agreement. The executive  
committee shall appoint a director/coordinator of emergency  
management who shall pursue a professional development training  
program in accordance with rules adopted under section 5502.25 of  
the Revised Code. The director/coordinator of emergency management  
may be an official or employee of any political subdivision  
entering into the regional agreement, except that the  
director/coordinator shall not be the chief executive of any such  
political subdivision.

A regional authority for emergency management organized under  
this section shall establish a program for emergency management  
that:

(1) Is in accordance with sections 5502.21 to 5502.51 of the  
Revised Code, rules adopted under those sections, ~~the "Act of~~  
~~January 12, 1951," 64 Stat. 1245, 50 App. U.S.C.A. 2251~~ local  
ordinances pertaining to emergency management, the "Robert T.  
Stafford Disaster Relief and Emergency Assistance Act," 88 Stat.  
143, 42 U.S.C. 5121, et. seq., as amended, and all applicable  
rules and regulations adopted under it that act;

(2) Includes, without limitation, development of an  
all-hazards emergency operations plan that has been coordinated



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with all agencies, boards, and divisions having emergency 1698  
management functions within the regional authority; 1699

(3) Includes the preparation and conduct of an annual 1700  
exercise of the regional authority's all-hazards emergency 1701  
operations plan; 1702

(4) Is applicable to all political subdivisions entering into 1703  
the regional agreement. 1704

The director/coordinator of emergency management for a 1705  
regional authority organized under this section shall be 1706  
responsible for coordinating, organizing, administering, and 1707  
operating emergency management in accordance with the authority's 1708  
program established under this section, subject to the direction 1709  
and control of the executive committee. All agencies, boards, and 1710  
divisions having emergency management functions within each 1711  
political subdivision within the regional authority shall 1712  
cooperate in the development of the all-hazards emergency 1713  
operations plan and shall cooperate in the preparation and conduct 1714  
of the annual exercise. 1715

(B) Nothing in this section requires any political 1716  
subdivision that is located within a county that has entered into 1717  
a written agreement under this section establishing a regional 1718  
authority for emergency management to enter into that agreement, 1719  
provided that the political subdivision has established a program 1720  
for emergency management in accordance with section 5502.271 of 1721  
the Revised Code. 1722

(C) A regional authority for emergency management may 1723  
designate the county auditor and county treasurer of one of the 1724  
counties in the region as fiscal officers for the regional 1725  
authority and may designate the prosecuting attorney of one of the 1726  
counties in the region as legal advisor for the regional 1727  
authority. 1728

**Sec. 5502.271.** The chief executive of any political 1729  
subdivision that has not entered into a written agreement 1730  
establishing either a countywide emergency management agency under 1731  
section 5502.26 of the Revised Code or a regional authority for 1732  
emergency management under section 5502.27 of the Revised Code 1733  
shall establish a program for emergency management within that 1734  
political subdivision that meets all of the following criteria: 1735

(A) Is in accordance with sections 5502.21 to 5502.51 of the 1736  
Revised Code, rules adopted under those sections, ~~the "Act of~~ 1737  
~~January 12, 1951," 64 Stat. 1245, 50 App. U.S.C.A. 2251~~ local 1738  
ordinances pertaining to emergency management, the "Robert T. 1739  
Stafford Disaster Relief and Emergency Assistance Act," 88 Stat. 1740  
143, 42 U.S.C. 5121, et. seq., as amended, and all applicable 1741  
rules and regulations adopted under it that act; 1742

(B) Includes, without limitation, development of an 1743  
all-hazards emergency operations plan that has been coordinated 1744  
with all agencies, boards, and divisions having emergency 1745  
management functions within the political subdivision; 1746

(C) Includes the preparation and conduct of an annual 1747  
exercise of the political subdivision's all-hazards emergency 1748  
operations plan; 1749

(D) Is not inconsistent with the program for emergency 1750  
management established for the county in which the political 1751  
subdivision is located by a countywide emergency management agency 1752  
under section 5502.26 of the Revised Code or a regional authority 1753  
for emergency management under section 5502.27 of the Revised 1754  
Code. 1755

All agencies, boards, and divisions having emergency 1756  
management functions within the political subdivision shall 1757  
cooperate in the development of the all-hazards emergency 1758  
operations plan and shall cooperate in the preparation and conduct 1759

of the annual exercise.

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The chief executive shall appoint a director/coordinator of emergency management who shall pursue a professional development training program in accordance with rules adopted under section 5502.25 of the Revised Code. The director/coordinator of emergency management may be an official or employee of the political subdivision, but shall not be the chief executive of the political subdivision.

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The director/coordinator shall be responsible for coordinating, organizing, administering, and operating emergency management in accordance with the political subdivision's program established under this section, subject to the direction and control of the chief executive.

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**Section 2.** That existing sections 121.22, 2901.01, 2903.01, 2921.32, 2923.31, 2927.24, 2929.04, 2933.51, 2941.14, 3313.536, 4507.09, 5502.26, 5502.27, and 5502.271 of the Revised Code are hereby repealed.

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**Section 3.** Section 4507.09 of the Revised Code is presented in this act as a composite of the section as amended by both Am. H.B. 141 and Am. Sub. S.B. 60 of the 122nd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

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**Section 4.** This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that

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the recent terrorist attacks of September 11, 2001, underscore the 1789  
compelling need for legislation that is specifically designed to 1790  
combat the evils of terrorism, that comprehensive state laws are 1791  
urgently needed to complement federal laws in the fight against 1792  
terrorism and to better protect all citizens against terrorist 1793  
acts, and that state laws must be strengthened to ensure that 1794  
terrorists, as well as those who solicit or provide financial and 1795  
other support to terrorists, are prosecuted and punished in state 1796  
courts with appropriate severity. Therefore, this act shall go 1797  
into immediate effect. 1798